

Senate Study Bill 3117

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CO=CHAIRPERSON CONNOLLY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5395XK 81
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1 1 Section 1. Section 256.9, subsection 40, Code Supplement
1 2 2005, is amended by striking the subsection.
1 3 Sec. 2. Section 256.12, subsection 2, unnumbered paragraph
1 4 1, Code 2005, is amended to read as follows:
1 5 This section does not deprive the respective boards of
1 6 public school districts of any of their legal powers,
1 7 statutory or otherwise, and in accepting the specially
1 8 enrolled students, each of the boards shall prescribe the
1 9 terms of the special enrollment, including but not limited to
1 10 scheduling of courses and the length of class periods. In
1 11 addition, the board of the affected public school district
1 12 shall be given notice by the department of its decision to
1 13 permit the special enrollment not later than six months prior
1 14 to the opening of the affected public school district's school
1 15 year, except that the board of the public school district may
1 16 waive the notice requirement. School districts and area
1 17 education agency boards shall make public school services,
1 18 which shall include special education programs and services
1 19 and may include health services, services for remedial
1 20 education programs, guidance services, and school testing
1 21 services, available to children attending accredited nonpublic
1 22 schools ~~in the same manner and to the same extent that they~~
1 23 ~~are provided to public school students. However, services~~
~~1 24 that are made available shall be provided on neutral sites, or~~
~~1 25 in mobile units located off the nonpublic school premises as~~
~~1 26 determined by the boards of the school districts and area~~
~~1 27 education agencies providing the services, and not on~~
~~1 28 nonpublic school property, except for health services,~~
~~1 29 services funded by Title I of the federal Elementary and~~
~~1 30 Secondary Education Act of 1965, diagnostic services for~~
~~1 31 speech, hearing, and psychological purposes, and assistance~~
~~1 32 with physical and communication needs of students with~~
~~1 33 physical disabilities, and services of an educational~~
~~1 34 interpreter, which may be provided on nonpublic school~~
~~1 35 premises, with the permission of the lawful custodian.~~
2 1 Service activities shall be similar to those undertaken for
2 2 public school students. Health services, special education
2 3 support, and related services provided by area education
2 4 agencies for the purpose of identifying children with
2 5 disabilities, assistance with physical and communications
2 6 needs of students with physical disabilities, and services of
2 7 an educational interpreter may be provided on nonpublic school
2 8 premises with the permission of the lawful custodian of the
2 9 property. Other special education services may be provided on
2 10 nonpublic school premises at the discretion of the school
2 11 district or area education agency provider of the service and
2 12 with the permission of the lawful custodian of the property.
2 13 Sec. 3. Section 256.46, Code Supplement 2005, is amended
2 14 to read as follows:
2 15 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR

2 16 ACTIVITIES BY CERTAIN CHILDREN.

2 17 The state board shall adopt rules that permit a child who
2 18 does not meet the residence requirements for participation in
2 19 extracurricular interscholastic contests or competitions
2 20 sponsored or administered by an organization as defined in
2 21 section 280.13 to participate in the contests or competitions
2 22 immediately if the child is duly enrolled in a school, is
2 23 otherwise eligible to participate, and meets one of the
2 24 following circumstances or a similar circumstance: the child
2 25 has been adopted; the child is placed under foster or shelter
2 26 care; the child is living with one of the child's parents as a
2 27 result of divorce, separation, death, or other change in the
2 28 child's parents' marital relationship, or pursuant to other
2 29 court-ordered decree or order of custody; ~~the child is a~~
2 30 ~~foreign exchange student;~~ the child has been placed in a
2 31 juvenile correctional facility; the child is a ward of the
2 32 court or the state; the child is a participant in a substance
2 33 abuse or mental health program; or the child is enrolled in an
2 34 accredited nonpublic high school because the child's district
2 35 of residence has entered into a whole grade sharing agreement
3 1 for the pupil's grade with another district. The rules shall
3 2 permit a child who is otherwise eligible to participate, but
3 3 who does not meet one of the foregoing or similar
3 4 circumstances relating to residence requirements, to
3 5 participate at any level of competition inferior to other than
3 6 the varsity level. For purposes of this section and section
3 7 282.18, "varsity" means the highest level of competition
3 8 offered by one school or school district against the highest
3 9 level of competition offered by an opposing school or school
3 10 district.

3 11 Sec. 4. Section 256.51, subsection 1, paragraph d, Code
3 12 2005, is amended by striking the paragraph.

3 13 Sec. 5. Section 257.10, subsection 5, Code 2005, is
3 14 amended to read as follows:

3 15 5. COMBINED DISTRICT COST PER PUPIL. The combined
3 16 district cost per pupil for a school district is the sum of
3 17 the regular program district cost per pupil and the special
3 18 education support services district cost per pupil. Combined
3 19 district cost per pupil does not include ~~additional~~ modified
3 20 allowable growth added for school districts that have a
3 21 negative balance of funds raised for special education
3 22 instruction programs, ~~additional~~ modified allowable growth
3 23 granted by the school budget review committee for a single
3 24 school year, or ~~additional~~ modified allowable growth added for
3 25 programs for dropout prevention.

3 26 Sec. 6. Section 257.31, subsection 14, paragraph b,
3 27 unnumbered paragraph 3, Code 2005, is amended to read as
3 28 follows:

3 29 A school district is only eligible to receive supplemental
3 30 aid payments during the budget year if the school district
3 31 certifies to the school budget review committee that for the
3 32 year following the budget year it will notify the school
3 33 budget review committee to instruct the director of the
3 34 department of management to increase the district's allowable
3 35 growth and will fund the allowable growth increase either by
4 1 using moneys from its unexpended cash balance to reduce the
4 2 district's property tax levy or by using cash reserve moneys
4 3 to equal the amount of the deficit that would have been
4 4 property taxes and any part of the state aid portion of the
4 5 deficit not received as supplemental aid under this
4 6 subsection. The director of the department of management
4 7 shall make the necessary adjustments to the school district's
4 8 budget to provide the ~~additional~~ modified allowable growth and
4 9 shall make the supplemental aid payments.

4 10 Sec. 7. Section 257.38, unnumbered paragraphs 1 and 2,
4 11 Code 2005, are amended to read as follows:

4 12 Boards of school districts, individually or jointly with
4 13 boards of other school districts, requesting to use ~~additional~~
4 14 modified allowable growth for programs for returning dropouts
4 15 and dropout prevention, shall ~~annually~~ submit comprehensive
4 16 program plans for the programs and budget costs, including
4 17 annual requests for ~~additional~~ modified allowable growth for
4 18 funding the programs, to the department of education as
4 19 provided in this chapter a component of the comprehensive
4 20 school improvement plan submitted to the department pursuant
4 21 to section 256.7, subsection 21. The program plans shall

4 22 include:

4 23 Program plans shall identify the parts of the plan that
4 24 will be implemented first upon approval of the application
4 25 request. If a district is requesting to use ~~additional~~
4 26 modified allowable growth to finance the program, it the

4 27 school district shall not identify more than five percent of
4 28 its budget enrollment for the budget year as returning
4 29 dropouts and potential dropouts.

4 30 Sec. 8. Section 257.40, Code 2005, is amended to read as
4 31 follows:

4 32 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT
4 33 PREVENTION.

4 34 The board of directors of a school district requesting to
4 35 use ~~additional~~ modified allowable growth for programs for
5 1 returning dropouts and dropout prevention shall submit
5 2 ~~applications for approval for the programs requests for~~
5 3 ~~modified at-risk allowable growth, including budget cost, to~~
5 4 the department not later than ~~November 1~~ December 15 of the
5 5 ~~year~~ preceding the budget year during which the program will
5 6 be offered. The department shall review the ~~program plans~~
5 7 ~~request~~ and shall prior to January 15 either grant approval
5 8 for the program request or return the request for approval
5 9 with comments of the department included. An unapproved
5 10 request for a program may be resubmitted with modifications to
5 11 the department not later than February 1. Not later than
5 12 February 15, the department shall notify the department of
5 13 management and the school budget review committee of the names
5 14 of the school districts for which programs using ~~additional~~
5 15 modified allowable growth for funding have been approved and
5 16 the approved budget of each program listed separately for each
5 17 school district having an approved program request.

5 18 Sec. 9. Section 259A.1, Code 2005, is amended to read as
5 19 follows:

5 20 259A.1 TESTS.

5 21 The department of education shall cause to be made
5 22 available for qualified individuals a high school equivalency
5 23 diploma. The diploma shall be issued on the basis of
5 24 satisfactory competence as shown by tests covering all of the
5 25 following: The correctness and effectiveness of expression;
5 26 the interpretation of reading materials in the, arts, language
5 27 arts, writing, mathematics, science, and social studies;
5 28 interpretation of reading material in the natural sciences;
5 29 interpretation of literary materials; and general mathematical
5 30 ability.

5 31 Sec. 10. Section 259A.3, Code 2005, is amended to read as
5 32 follows:

5 33 259A.3 NOTICE AND FEE.

5 34 Any applicant who has achieved the minimum passing
5 35 standards as established by the department, and approved by
6 1 the state board, shall be issued a high school equivalency
6 2 diploma by the department upon payment of an ~~additional five~~
6 3 ~~dollars amount determined in rules adopted by the state board~~
6 4 ~~of education to cover the actual costs of the production and~~
6 5 ~~distribution of the diploma. The state board of education may~~
6 6 ~~also by rule establish a fee for the issuance of a transcript~~
6 7 ~~which shall be based on the actual costs of the production and~~
6 8 ~~distribution of a transcript.~~

6 9 Sec. 11. Section 259A.4, Code 2005, is amended to read as
6 10 follows:

6 11 259A.4 USE OF FEES.

6 12 The fees collected under the provisions of this chapter
6 13 ~~shall be appropriated to the department of education to be~~
6 14 used for the expenses incurred in administering, providing
6 15 test materials, scoring of examinations and issuance of high
6 16 school equivalency diplomas and transcripts, and shall be
6 17 disbursed on the authorization of the director of the
6 18 department of education. The treasurer of state shall be
6 19 custodian of the funds paid to the department and shall
6 20 disburse the same on vouchers audited as provided by law. ~~The~~
6 21 ~~unobligated balance in such funds at the close of each~~
6 22 ~~biennium shall be placed in the general fund of the state.~~

6 23 Sec. 12. Section 260C.14, subsection 2, Code 2005, is
6 24 amended to read as follows:

6 25 2. Have authority to determine tuition rates for
6 26 instruction. Tuition for residents of Iowa shall not exceed
6 27 the lowest tuition rate per semester, or the equivalent,
6 28 charged by an institution of higher education under the state
6 29 board of regents for a full-time resident student. However,
6 30 except for students enrolled under chapter 261C, if a local
6 31 school district pays tuition for a resident pupil of high
6 32 school age, the limitation on tuition for residents of Iowa
6 33 shall not apply, the amount of tuition shall be determined by
6 34 the board of directors of the community college with the
6 35 consent of the local school board, and the pupil shall not be
7 1 included in the full-time equivalent enrollment of the
7 2 community college for the purpose of computing general aid to

7 3 the community college. Tuition for nonresidents of Iowa shall
7 4 not be less than the marginal cost of instruction of a student
7 5 attending the college. A lower tuition for nonresidents may
7 6 be permitted under a reciprocal tuition agreement between a
7 7 merged area and an educational institution in another state,
7 8 if the agreement is approved by the ~~state board director~~. The
7 9 board may designate that a portion of the tuition moneys
7 10 collected from students be used for student aid purposes.

7 11 Sec. 13. Section 260C.28, subsection 2, Code 2005, is
7 12 amended to read as follows:

7 13 2. However, the board of directors may annually certify
7 14 for levy a tax on taxable property in the merged area at a
7 15 rate in excess of the three cents per thousand dollars of
7 16 assessed valuation specified under subsection 1 if the excess
7 17 tax levied does not cause the total rate certified to exceed a
7 18 rate of nine cents per thousand dollars of assessed valuation,
7 19 and the excess revenue generated is used for purposes of
7 20 program sharing between community colleges or for the purchase
7 21 of instructional equipment. Programs that are shared shall be
7 22 designed to increase student access to community college
7 23 programs and to achieve efficiencies in program delivery at
7 24 the community colleges, including, but not limited to, the
7 25 programs described under ~~sections 260C.45 and section 260C.46~~.
7 26 Prior to expenditure of the excess revenues generated under
7 27 this subsection, the board of directors shall obtain the
7 28 approval of the director of the department of education.

7 29 Sec. 14. Section 273.22, subsections 6 and 7, Code 2005,
7 30 are amended to read as follows:

7 31 6. Within forty-five days of the state board's approval,
7 32 the board of directors of a school district that is contiguous
7 33 to a newly reorganized area education agency may petition the
7 34 board of directors of their current area education agency and
7 35 the newly reorganized area education agency to join the newly
8 1 reorganized area education agency. If the initial, or new
8 2 board if established in time under section 273.23, subsection
8 3 3, and the board of the contiguous area education agency
8 4 approve the petition, the reorganization, including any school
8 5 district whose petition to join the newly reorganized area
8 6 education agency has been approved, shall take effect in
8 7 accordance with the dates established under section 273.21,
8 8 subsection 4. Both the initial, or new, and the contiguous
8 9 area education agency boards must act within forty-five days
8 10 of the deadline, as set forth in this subsection, for the
8 11 filing of the school district's petition. ~~A Within ten days~~
8 12 ~~of an area education agency board's action, a school district~~
8 13 may appeal to the state board the decision of an area
8 14 education agency board to deny the school district's petition.

8 15 7. Within forty-five days of the state board's approval,
8 16 the board of directors of a school district that is within a
8 17 newly reorganized area education agency and whose school
8 18 district is contiguous to another area education agency not
8 19 included in the newly reorganized area education agency may
8 20 petition the board of directors of the newly reorganized area
8 21 education agency and the contiguous area education agency to
8 22 join that area education agency. If the initial, or new board
8 23 if established in time under section 273.23, subsection 3, and
8 24 the board of the contiguous area education agency approve the
8 25 petition, the reorganization, excluding any school district
8 26 whose petition to join an area education agency contiguous to
8 27 the newly reorganized area education agency has been approved,
8 28 shall take effect in accordance with the dates established
8 29 under section 273.21, subsection 4. Both the initial, or new,
8 30 and the contiguous area education agency boards must act
8 31 within forty-five days of the deadline, as set forth in this
8 32 subsection, for the filing of the school district's petition.
8 33 ~~A Within ten days of an area education agency board's action,~~
8 34 ~~a school district may appeal to the state board the decision~~
8 35 ~~of an area education agency board to deny the school~~
9 1 ~~district's petition.~~

9 2 Sec. 15. Section 279.30, Code 2005, is amended to read as
9 3 follows:

9 4 279.30 EXCEPTIONS.

9 5 Each ~~warrant payment~~ must be made payable to the person
9 6 entitled to receive the money. The board of directors of a
9 7 school district or an area education agency may by resolution
9 8 authorize the secretary, upon approval of the superintendent
9 9 or designee, or administrator, in the case of an area
9 10 education agency, to issue ~~warrants payments~~ when the board of
9 11 directors is not in session in payment of ~~freight, drayage,~~
9 12 ~~express, postage, printing, water, light, and telephone rents~~
9 13 reasonable and necessary expenses, but only upon verified

9 14 bills filed with the secretary or administrator, and for the
9 15 payment of salaries pursuant to the terms of a written
9 16 contract, ~~and the secretary or administrator shall either~~
9 17 ~~deliver in person or mail the warrants to the payees. In~~
9 18 ~~addition, the board of directors may by resolution authorize~~
9 19 ~~the secretary or administrator, upon approval of the president~~
9 20 ~~of the board, to issue warrants when the board of directors is~~
9 21 ~~not in session, but only upon verified bills filed with the~~
9 22 ~~secretary or administrator, and the secretary or administrator~~
9 23 ~~shall either deliver in person or mail the warrants to the~~
9 24 ~~payees. Each warrant payment must be made payable only to the~~
9 25 person performing the service or presenting the verified bill,
9 26 and must state the purpose for which the warrant payment is
9 27 issued. All bills and salaries for which warrants payments
9 28 are issued prior to audit and allowance by the board must be
9 29 passed upon by the board of directors at the next meeting and
9 30 be entered in the regular minutes of the secretary.

9 31 Sec. 16. Section 279.33, Code 2005, is amended to read as
9 32 follows:

9 33 279.33 ANNUAL SETTLEMENTS.

9 34 At a regular or special meeting held on or after August 31
9 35 and prior to the organizational meeting held after the regular
10 1 school election, the board of each school corporation shall
10 2 meet, examine the books of and settle with the secretary and
10 3 treasurer for the year ending on the preceding June 30, and
10 4 transact other business as necessary. The treasurer at the
10 5 time of settlement shall furnish the board with a ~~sworn~~
10 6 statement from each depository showing the balance then on
10 7 deposit in the depository. If the secretary or treasurer
10 8 fails to make proper reports for the settlement, the board
10 9 shall take action to obtain the balance information.

10 10 Sec. 17. Section 279.41, Code 2005, is amended to read as
10 11 follows:

10 12 279.41 SCHOOLHOUSES AND SITES SOLD == FUNDS.

10 13 Moneys received from the condemnation, sale, or other
10 14 disposition for public purposes of schoolhouses, school sites,
10 15 or both schoolhouses and school sites, shall be deposited in
10 16 the physical plant and equipment levy fund and may without a
10 17 vote of the electorate be used for ~~the purchase of school~~
10 18 ~~sites or the erection or repair of schoolhouses, or both~~
10 19 ~~purposes authorized under section 298.3, as ordered by the~~
10 20 board of directors of the school district.

10 21 Sec. 18. Section 282.1, unnumbered paragraph 1, Code 2005,
10 22 is amended to read as follows:

10 23 Persons between five and twenty-one years of age are of
10 24 school age. ~~A board may establish and maintain evening~~
10 25 ~~schools or an educational program under section 282.1A for~~
10 26 ~~residents of the corporation regardless of age and for which~~
10 27 ~~no tuition need be charged.~~ Nonresident children shall be
10 28 charged the maximum tuition rate as determined in section
10 29 282.24, subsection 1, with the exception that those residing
10 30 temporarily in a school corporation may attend school in the
10 31 corporation upon terms prescribed by the board, and boards
10 32 discontinuing grades under section 282.7, subsection 1 or
10 33 subsections 1 and 3, shall be charged tuition as provided in
10 34 section 282.24, subsection 2.

10 35 Sec. 19. Section 282.18, subsection 2, unnumbered
11 1 paragraph 2, Code Supplement 2005, is amended to read as
11 2 follows:

11 3 The board of the receiving district shall enroll the pupil
11 4 in a school in the receiving district for the following school
11 5 year unless the receiving district does not have classroom
11 6 space for the pupil. A child entering kindergarten for the
11 7 first time may be denied enrollment by the receiving district
11 8 based on lack of classroom space or availability of an
11 9 appropriate program, even if the child attended a
11 10 prekindergarten or preschool program offered by the receiving
11 11 district the previous school year. The board of directors of
11 12 a receiving district may adopt a policy granting the
11 13 superintendent of the school district authority to approve
11 14 open enrollment applications. If the request is granted, the
11 15 board shall transmit a copy of the form to the parent or
11 16 guardian and the school district of residence within five days
11 17 after board action, but not later than June 1 of the preceding
11 18 school year. The parent or guardian may withdraw the request
11 19 at any time prior to the start of the school year. A denial
11 20 of a request by the board of a receiving district is not
11 21 subject to appeal to the department or to the state board.

11 22 Sec. 20. Section 282.18, subsection 3, unnumbered
11 23 paragraph 1, Code Supplement 2005, is amended to read as
11 24 follows:

11 25 In all districts involved with voluntary or court-ordered
11 26 desegregation, minority and nonminority pupil ratios shall be
11 27 maintained according to the desegregation plan or order. The
11 28 superintendent of a district subject to voluntary or court-
11 29 ordered desegregation may deny a request for transfer under
11 30 this section if the superintendent finds that enrollment or
11 31 release of a pupil will adversely affect the district's
11 32 implementation of the desegregation order or plan, unless the
11 33 transfer is requested by a pupil whose sibling is already
11 34 participating in open enrollment to another district, or
11 35 unless the request for transfer is submitted to the district
12 1 in a timely manner as required under subsection 2 prior to the
12 2 adoption of a desegregation plan by the district. If a
12 3 transfer request is filed on behalf of a resident, as defined
12 4 in section 282.1, entering kindergarten for the first time,
12 5 the school district may deny the request under this subsection
12 6 even if the child attended a prekindergarten or preschool
12 7 program offered by the receiving district the previous school
12 8 year, whether or not the request is filed in a timely manner.
12 9 If a transfer request would facilitate a voluntary or court-
12 10 ordered desegregation plan, the district shall give priority
12 11 to granting the request over other requests.
12 12 Sec. 21. Section 282.18, subsection 4, paragraphs a and b,
12 13 Code Supplement 2005, are amended to read as follows:
12 14 a. After March 1 of the preceding school year and until
12 15 the third Friday in September of that calendar year, the
12 16 parent or guardian shall send notification to the district of
12 17 residence and the receiving district, on forms prescribed by
12 18 the department of education, that good cause, as defined in
12 19 paragraph "b", exists for failure to meet the March 1
12 20 deadline. The board of directors of a receiving resident
12 21 school district may adopt a policy granting the superintendent
12 22 of the school district authority to approve open enrollment
12 23 applications submitted after the March 1 deadline. The board
12 24 of the receiving resident district shall take action to
12 25 approve the request if good cause exists. If the request is
12 26 granted, the board shall transmit a copy of the form to the
12 27 parent or guardian and the receiving school district ~~of~~
12 28 ~~residence~~ within five days after board action. A denial of a
12 29 request by the board of a receiving resident district is not
12 30 subject to appeal.
12 31 b. For purposes of this section, "good cause" means a
12 32 change in a child's residence due to a change in family
12 33 residence, such as a change in the state in which the family
12 34 residence is located, a change in a child's parents' marital
12 35 status, a guardianship or custody proceeding, placement in
13 1 foster care, adoption, participation in a foreign exchange
13 2 program, ~~or~~ participation in a substance abuse or mental
13 3 health treatment program, or a similar set of circumstances
13 4 consistent with the definition of "good cause"; or a change in
13 5 the status of a child's resident district such as removal of
13 6 accreditation by the state board, surrender of accreditation,
13 7 or permanent closure of a nonpublic school, revocation of a
13 8 charter school contract as provided in section 256F.8, the
13 9 failure of negotiations for a whole grade sharing,
13 10 reorganization, dissolution agreement or the rejection of a
13 11 current whole grade sharing agreement, or reorganization plan,
13 12 or a similar set of circumstances consistent with the
13 13 definition of "good cause". If the good cause relates to a
13 14 change in status of a child's school district of residence,
13 15 however, action by a parent or guardian must be taken to file
13 16 the notification within forty-five days of the last board
13 17 action or within thirty days of the certification of the
13 18 election, whichever is applicable to the circumstances.
13 19 Sec. 22. Section 282.18, subsection 4, paragraph c, Code
13 20 Supplement 2005, is amended by striking the paragraph.
13 21 Sec. 23. Section 285.11, subsection 9, Code 2005, is
13 22 amended by striking the subsection.
13 23 Sec. 24. Section 297.14, Code 2005, is amended to read as
13 24 follows:
13 25 297.14 BARBED WIRE.
13 26 No fence ~~provided for in section 297.13~~ shall be
13 27 constructed of barbed wire, nor shall any barbed wire fence be
13 28 placed within ten feet of any school grounds. Any person
13 29 violating the provisions of this section shall be guilty of a
13 30 simple misdemeanor.
13 31 Sec. 25. Section 321.375, subsection 2, unnumbered
13 32 paragraph 1, Code 2005, is amended to read as follows:
13 33 Any of the following shall constitute grounds for ~~a school~~
13 34 ~~bus driver's~~ the immediate suspension from duties of a school
13 35 bus driver, including a part-time or substitute bus driver,

14 1 pending a termination hearing by the board of directors of a
14 2 public school district or the authorities in charge in a
14 3 nonpublic school if the bus driver is under contract, pending
~~14 4 confirmation of the grounds by the school district or~~
~~14 5 accredited nonpublic school if the bus driver is a part-time~~
~~14 6 or substitute bus driver who is not under contract, or pending~~
14 7 confirmation of the grounds by the employer of the school bus
14 8 driver if the employer is not a school district or accredited
14 9 nonpublic school by the board:

14 10 Sec. 26. Section 321.376, subsection 1, Code 2005, is
14 11 amended to read as follows:

14 12 1. The driver of a school bus shall hold a driver's
14 13 license issued by the department of transportation valid for
14 14 the operation of the school bus and a certificate of
14 15 qualification for operation of a commercial motor vehicle
14 16 issued by a physician licensed pursuant to chapter 148 or
14 17 150A, physician's assistant, advanced registered nurse
14 18 practitioner, or chiropractor or any other person identified
14 19 by federal and state law as authorized to perform physical
14 20 examinations, and shall successfully complete an approved
14 21 course of instruction in accordance with subsection 2. A
14 22 person holding a temporary restricted license issued under
14 23 chapter 321J shall be prohibited from operating a school bus.
14 24 The department of education shall ~~revoke or~~ refuse to issue an
14 25 authorization to operate a school bus to any person who, after
14 26 notice and opportunity for hearing, is determined to have
14 27 committed any of the acts proscribed under section 321.375,
14 28 subsection 2. The department of education shall take adverse
14 29 action against any person who, after notice and opportunity
14 30 for hearing, is determined to have committed any of the acts
14 31 proscribed under section 321.375, subsection 2. Such action
14 32 may include a reprimand or warning of the person or the
14 33 suspension or revocation of the person's authorization to
14 34 operate a school bus. The department of education shall
14 35 recommend, and the state board of education shall adopt under
15 1 chapter 17A, rules and procedures for issuing and suspending
15 2 or revoking authorization to operate a school bus in this
15 3 state. Rules and procedures adopted shall include, but are
15 4 not limited to, provisions for the revocation or suspension
15 5 of, or refusal to issue, authorization to persons who are
15 6 determined to have committed any of the acts proscribed under
15 7 section 321.375, subsection 2.

15 8 Sec. 27. Chapters 288 and 289, Code 2005, are repealed.

15 9 Sec. 28. Sections 260C.45, 282.1A, and 297.13, Code 2005,
15 10 are repealed.

15 11 EXPLANATION

15 12 This bill amends numerous Code sections related to the
15 13 duties and operations of the state board of education, the
15 14 department of education, and local school boards, including
15 15 provisions relating to the sharing of public school
15 16 instructors and services with students attending nonpublic
15 17 schools, rules for participation of students in
15 18 extracurricular activities, the submission of dropout and
15 19 dropout prevention plans to the department and the submission
15 20 of requests for modified allowable growth to the school budget
15 21 review committee by school boards; the competency requirements
15 22 persons must meet to receive a high school equivalency
15 23 diploma, and the fees set for issuance of the diploma;
15 24 community college tuition for nonresidents; quality
15 25 instructional centers; newly reorganized area education
15 26 agencies; school district payments and settlements; the
15 27 purposes for which moneys received from the sale of school
15 28 sites may be used; evening and part-time schools; fencing near
15 29 school grounds; open enrollment requirements; school bus
15 30 drivers; and extended school programs.

15 31 The bill makes changes to Code provisions as follows:

15 32 SHARING INSTRUCTORS AND SERVICES. Code section 256.12,
15 33 subsection 2, provides that public school districts must
15 34 provide public school services to students attending nonpublic
15 35 schools to the same extent they are provided to public school
16 1 students. The bill adds that the nonpublic schools must be
16 2 accredited, and provides that service activities and other
16 3 special education services may be provided on the nonpublic
16 4 school's premises if the lawful custodian of the property
16 5 permits.

16 6 DIVISION OF LIBRARIES AND INFORMATION SERVICES. The bill
16 7 removes from the division the responsibility for developing
16 8 and adopting long-range plans for the continued improvement of
16 9 library services.

16 10 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY
16 11 CERTAIN CHILDREN. Code section 256.46 requires the state

board to adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions to participate in the contests or competitions immediately if the child meets certain circumstances. The bill eliminates from those circumstances that the child is a foreign exchange student. The bill also replaces the phrase "inferior to the varsity level", which is used in describing sports other than those at the varsity level, with the phrase "other than the varsity level".

MODIFIED ALLOWABLE GROWTH REFERENCES AND DROPOUT AND DROPOUT PREVENTION PROGRAMS. The bill amends Code sections 257.10, 257.31, 257.38, and 257.40 to replace the word "additional" with "modified" to describe allowable growth. The bill also amends Code section 257.38 to require public school boards requesting to use modified allowable growth for programs for returning dropouts and dropout prevention to submit their requests to the department of education as a component of their annual comprehensive school improvement plan. The bill also amends Code section 257.40 to require public school boards requesting to use modified allowable growth for programs for returning dropouts and dropout prevention to include budget costs with their requests and allows the boards to submit the requests later than the current deadline of November 1. The new deadline would be not later than December 15 of the year preceding the budget year during which the program will be offered.

HIGH SCHOOL EQUIVALENCY DIPLOMAS. Currently, Code section 259A.1 requires that high school equivalency diplomas be issued on the basis of satisfactory competence as shown by tests covering the correctness and effectiveness of expression, the interpretation of reading materials in the social studies and natural sciences, interpretation of literary materials, and general mathematical ability. The bill replaces these standards to require that the diplomas be issued on the basis of satisfactory competence as shown by tests covering reading, arts, language arts, writing, mathematics, science, and social studies. The bill also amends Code section 259A.3 to replace the current \$5 fee for the issuance of a diploma with an amount determined by the state board of education to cover the actual costs of the production and distribution of the diploma and the issuance of transcripts.

COMMUNITY COLLEGE TUITION FOR NONRESIDENTS. Currently, the state board of education is authorized to approve a lower tuition for nonresidents to attend a community college under a reciprocal tuition agreement the community college has with another educational institution in another state. The bill amends Code section 260C.14 to give that authority to the director of the department of education, rather than the state board.

QUALITY INSTRUCTIONAL CENTERS. The bill repeals Code section 260C.45, which establishes the quality instructional center program for the community colleges to promote the creation or enhancement of high-quality, unique, high-cost, capital-intensive, or highly specialized vocational-technical and occupational programs, which cannot be practically or economically offered at more than a few community colleges. The bill makes conforming changes in Code sections 256.9 and 260C.46.

NEWLY REORGANIZED AREA EDUCATION AGENCY. The bill amends Code section 273.22, subsections 6 and 7, to add a deadline of 10 days within which a school district may appeal to the state board an area education agency board's decision not to allow the school district to join a contiguous or newly reorganized area education agency.

SCHOOL DISTRICT PAYMENTS AND SETTLEMENTS. Currently, the Code lists the purposes for which a secretary of a school district or administrator of an area education agency may make payments while the school board or area education agency board is not in session. The bill replaces the list in Code section 279.30 with general permission to issue payments for reasonable and necessary expenses. The bill strikes a requirement that the secretary or administrator deliver or mail payments when the board is not in session. The bill also strikes language in Code section 279.33 that requires the school district's treasurer to furnish the board with a sworn statement showing each depository balance. Under the bill, only a statement must be furnished.

PURPOSES FOR MONEYS FROM SCHOOLHOUSES AND SITES SOLD. The bill permits moneys received from the sale of school sites

18 23 that are deposited in the physical plant and equipment levy
18 24 (PPEL) fund to be used for the same purposes for which
18 25 revenues from the PPEL levies may be used.
18 26 EXTENDED SCHOOL PROGRAMS == EVENING AND PART=TIME SCHOOLS
18 27 REPEAL. The bill repeals Code section 282.1A, which
18 28 authorizes school districts to voluntarily establish extended
18 29 school programs for residents of the school district who are
18 30 over 21 years of age, do not possess a high school diploma or
18 31 a high school equivalency diploma, and are enrolled in an
18 32 education program in the district. The bill also repeals Code
18 33 chapters 288 and 289, which require school districts to
18 34 establish an evening school when 10 or more persons over age
18 35 16 express a desire for instruction at an evening school for
19 1 not less than two hours each evening for at least two evenings
19 2 each week for not less than three months of each school year;
19 3 and, in cities of 12,000 or more, to establish and maintain
19 4 part-time schools when 15 or more children residing in the
19 5 district who are between 14 and 16 years of age cease to
19 6 attend the full-time day school. The bill includes a
19 7 conforming amendment in Code section 282.1.
19 8 OPEN ENROLLMENT CHANGES. The bill amends Code section
19 9 282.18 to allow a receiving district to deny open enrollment
19 10 to a child entering kindergarten for the first time if the
19 11 school district lacks classroom space or availability of an
19 12 appropriate program even if the child attended prekindergarten
19 13 or preschool in the school district in the prior school year.
19 14 The bill also amends Code section 282.18 to allow the district
19 15 of residence to deny a request for transfer from a resident
19 16 child entering kindergarten for the first time whether or not
19 17 the request is filed in a timely manner if the superintendent
19 18 finds that release of the child will adversely affect the
19 19 district's implementation of the desegregation order or plan.
19 20 Code section 282.18 is also amended to switch the resident and
19 21 receiving district responsibilities relating to the existence
19 22 of "good cause" for failure to meet the March 1 deadline. The
19 23 bill amends the definition of "good cause" in Code section
19 24 282.18 to allow for circumstances similar to those
19 25 circumstances currently listed in the Code. The bill
19 26 eliminates a provision in Code section 282.18 which permits a
19 27 resident district to request that the department review and
19 28 take appropriate action if the resident district believes that
19 29 a receiving district is unreasonable in approving
19 30 applications.
19 31 SCHOOL BUS DRIVERS. The bill eliminates a provision in
19 32 Code section 285.11 that requires school bus drivers to
19 33 present a certificate of physical fitness each year before
19 34 being permitted to operate any vehicles transporting children
19 35 to and from school. Code section 321.375 provides the grounds
20 1 for the immediate suspension from duties, pending a
20 2 termination hearing by the public school board. The bill
20 3 eliminates language in the section related to whether or not
20 4 the school bus driver is under contract. The bill also amends
20 5 Code section 321.376 to expand the department of education's
20 6 options when a school bus driver is found to have violated
20 7 certain Code provisions by allowing the department to take
20 8 adverse action, which may include a reprimand or warning
20 9 rather than an immediate suspension.
20 10 FENCING NEAR SCHOOL GROUNDS. The bill repeals a provision
20 11 that requires school boards to maintain a lawful fence between
20 12 school grounds and adjoining cultivated or improved lands.
20 13 However, the bill maintains language that prohibits such land
20 14 to be fenced using barbed wire.
20 15 LSB 5395XK 81
20 16 kh:nh/gg/14